

OPERATOR RESPONSIBILITIES

APPLICABILITY. Opencut Mining Program requirements apply to certain parties who mine, or control the mining of, sand, gravel, scoria, bentonite, clay, soil, peat, or borrow material on any land in Montana, except tribal land and certain federal lands. There are three ways an operator may come under program jurisdiction:

1. If opencut operations will cause the operator's cumulative lifetime total of soil, overburden, and mine material stripped or excavated at one or more sites in Montana to exceed 10,000 cubic yards.
2. If opencut operations will cause the total yardage of soil, overburden, and mine material stripped or excavated from a site to exceed 10,000 cubic yards.
3. If opencut operations will occur in an open or reclaimed site where 10,000 cubic yards or more of soil, overburden, and mine material have been stripped or excavated.

When under program jurisdiction, an operator must permit all mine sites being used plus all future mine sites regardless of size.

OPERATOR DOCUMENTS. Use program forms as issued. To obtain opencut documents, go to the program's website at <http://deg.mt.gov/opencut> or contact a program staffer.

PERMIT. See Steps To Permitting An Opencut Mine Site. Make sure a permit application contains the items listed on the Opencut Permit Application form.

AMENDMENT. Submit an amendment application to add acreage to a permit or modify an approved Plan Of Operation. Make sure an amendment application contains the items listed on the Amendment form.

SHORT FORM. An operator holding an active Opencut Permit can use a Short Form to permit a site where 2,500 cubic yards or less of soil, overburden, and mine material will be stripped or excavated.

ASSIGNMENT. A permit can be assigned from one operator to another. The entire permit area must be assigned. The assignee (party assuming the permit) submits an assignment application by following the instructions on the Assignment Application form.

ADVANCE NOTICE. The program requests at least 30 days advance notice of a planned site opening to allow time for site inspection, application review, and permit or amendment issuance. Allow more lead time for potentially complex or controversial sites.

ANNUAL PROGRESS REPORT. Submit an Annual Progress Report for the previous calendar year by March 1. The program sends operators a reminder, report form, and release request form at the beginning of each year.

BOND RELEASE REQUEST. Private operators submit a Request For Bond Release form to request partial or full bond release on part or all of a site. For partial release, the program retains at least \$300 per acre or \$1,000, whichever is larger, until full release.

LIABILITY RELEASE REQUEST. Government operators submit a Request For Liability Release form to request full release on part or all of a site.

COMPLIANCE. An operator must comply with the requirements and performance standards of the Act, Rules, permits, amendments, and Short Forms. The Department has the authority to issue violations and levy fines.

OTHER PERMITS. Permits from other programs or agencies may be needed including, but not limited to, air quality (DEQ), storm water (DEQ), 310 for work in or near a perennial stream (local conservation district), and 404 for the excavation, discharge, or placement of dredged or fill material into waters of the United States, including wetlands (U.S. Army Corps of Engineers).

INPUT, INFORMATION, AND ASSISTANCE. Please offer your suggestions to keep the program as simple, user-friendly, and effective as possible, and request information or assistance anytime. Thank you.